

Serial No. 09/393,942

**CERTIFICATE OF FACSIMILE TRANSMISSION
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By Neemi Chapo
(Signature) Neemi Chapo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

THOMAS JAMES DUBIL ET ALL

US000183

Serial No. 09/686,572

Group Art Unit: 2179

Filed: OCTOBER 10, 2000

Examiner: NHON D. NGUYEN

Title: CONTROL CODES FOR PROGRAMMABLE REMOTE SUPPLIED IN XML FORMAT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE
TO RECEIVE OFFICE COMMUNICATION**

Sir:

This Petition is submitted in response to a Notice of Abandonment that was mailed on October 19, 2005. A copy of the Notice is attached as Exhibit A. According to the Notice, U.S. Patent Application No. 09/686,572 was abandoned for failure to timely file a proper reply to the Office letter mailed on June 16, 2004. At this time, I personally had not received an Office Action in this Application, nor did I have any personal knowledge to the effect that any persons in the office received the Office Action.

Serial No. 09/393,942

In response to this Notice, I searched the contents of the file jacket for this application. No copy or reference to the Office Action was found (a copy of the front page of the file jacket is attached as Exhibit B).

I also performed a search on our computerized docketing system to determine if any such Office letter or required response was noted (copy of computerized docket record for docket number US000183 is attached as Exhibit C). I discovered no notation indicating that such Office Action was noted as received or due for this Application.

A diligent and sincere effort was made to clearly set out the facts and circumstances surrounding this matter. It is firmly believed that a sufficient showing is made for an immediate allowance of this Petition. It is respectfully requested that an Office Action be remailed and a period for response restarted.

It is believed that no fee is due with this Petition. The Commissioner, however, is authorized to charge any fees, if applicable, associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

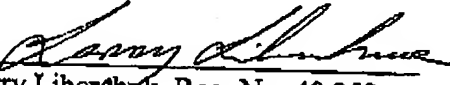
By 
Larry Liberchuk, Reg. No. 40,352
Senior Corporate Counsel
914-333-9602

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,572	10/10/2000	Thomas James Dubil	US000183	4775

24737 7390 10/19/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, NHON D

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED 11/14/2005

Notice of Abandonment

Application No.

09/686,572

Applicant(s)

DUBIL ET AL.

Examiner

Nhon (Gary) D. Nguyen

Art Unit

2179

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address~

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 16 June 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicants has confirmed that they have not filed a response to the Office Action mailed on June 16, 2004.

BA HUYNH
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 10142005

EXHIBIT B

PAGE 7/9 * RCVD AT 11/14/2005 1:21:57 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:914 332 0615 * DURATION (mm-ss):02-22

EXHIBIT C

P.09

PAGE 9/9 * RCVD AT 11/14/2005 1:21:57 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:914 332 0615 * DURATION (mm:ss):02:22